IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3270 OF 2005

Mr.R.G.Bhat for the Petitioners.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 14th September,2005

P.C.:

This petition is filed under Article 227 of the Constitution of India challenging the order passed by the Appellate Court rejecting the application for condonation of delay in filing the appeal.

2. Admittedly, writ of summons was served on the Petitioners. They had not appeared before the trial court. The only reason given is that they are illiterate. Admittedly, the husbands of the Petitioners were appearing before the trial court.

They contested the suit. The appeal court, therefore, has found that as the suit was decreed in favour of the Plaintiff, just to deny the benefits of the decree to the Plaintiff, the Petitioners have been put up by their husbands to get the suit remanded to the trial court. Condonation of delay is in the discretion of the court. If the court has exercised its discretion in one or other way, unless the writ court finds that exercise of the discretion is perverse, writ court can not interfere with the order. Writ Petition, therefore, cannot be entertained. It is rejected.

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